

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-11594

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

09/890311

INTERNATIONAL APPLICATION NO

PCT/US00/01342

INTERNATIONAL FILING  
DATEJanuary 19, 2000  
(01.19.2000)

PRIORITY DATE CLAIMED

January 27, 1999 (01.27.1999)

TITLE OF INVENTION: AMINOALKYLBENZOFURANS AS SEROTONIN (5-HT(2C)) AGONISTS

APPLICANT(S) FOR DO/EO/US: Karin Briner, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

U.S. APPLICATION NO. (if known) <b>097890311</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US00/01342</b>		ATTORNEY'S DOCKET NUMBER <b>X-11594</b>																																																																	
17.	<input checked="" type="checkbox"/>	The following fees are submitted:  <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. <b>\$1000.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$860.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... <b>\$710.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$690.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... <b>\$100.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>			<b>CALCULATIONS    PTO USE ONLY</b>																																																																
		Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <u>  20  </u> <u>  30  </u> months from the earliest claimed priority date (37 CFR 1.492(e)).     \$																																																																			
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">8 - 20=</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$18.00</td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">5 - 3=</td> <td style="text-align: center;">2</td> <td style="text-align: center;">X \$80.00</td> <td>\$ 160.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: center;">+ \$270.00</td> <td>\$</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td></td> <td>\$ 850.00</td> </tr> <tr> <td colspan="3">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL =</b></td> <td></td> <td>\$ 850.00</td> </tr> <tr> <td colspan="3">Processing fee of <b>\$130.00</b> for furnishing English translation later than <u>  20  </u> <u>  30  </u> months from the earliest claimed priority date (37 CFR 1.492(f)).     +</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <div style="text-align: right;"><b>\$40.00 per</b></div>           property +</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td></td> <td>\$ 850.00</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;"><b>Amount to be refunded</b></td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;"><b>charged</b></td> <td>\$</td> </tr> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	8 - 20=	0	X \$18.00	\$	Independent claims	5 - 3=	2	X \$80.00	\$ 160.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 850.00	Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	<b>SUBTOTAL =</b>				\$ 850.00	Processing fee of <b>\$130.00</b> for furnishing English translation later than <u>  20  </u> <u>  30  </u> months from the earliest claimed priority date (37 CFR 1.492(f)).     +				\$	<b>TOTAL NATIONAL FEE =</b>				\$	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <div style="text-align: right;"><b>\$40.00 per</b></div> property +				\$	<b>TOTAL FEES ENCLOSED =</b>				\$ 850.00				<b>Amount to be refunded</b>	\$				<b>charged</b>	\$
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a.	<input type="checkbox"/>	A check in the amount of \$_____ to cover the above fees is enclosed.
b.	<input checked="" type="checkbox"/>	Please charge my Deposit Account No. 05-0840 in the amount of <b>\$ 850.00</b> to cover the above fees. A duplicate copy of this sheet is enclosed.
c.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**  
**ELI LILLY AND COMPANY**  
 PATENT DIVISION/RCT  
 LILLY CORPORATE CENTER

July 26, 2001  
Date

\_\_\_\_\_  
SIGNATURE

**R. Craig Tucker**  
NAME

45.165  
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TELEPHONE NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Karin Briner, et al.

International Application No.: PCT/US00/01342

Filed: January 19, 2000 (01/19/00)

Invention: AMINOALKYLBENZOFURANS AS SEROTONIN (5-HT(2C)) AGONISTS

Lilly Reference: X-11594

Earliest Priority Date: January 27, 1999 (01/27/99)

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir/Madam:

"Express Mail" mailing label number: EL230527975US

Date of Deposit: July 26, 2001

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Olga M. Franz

(Typed or printed name of person mailing paper)

Olga M. Franz  
(Signature of person mailing paper or fee)

PATENT

Dkt No. X-11594 Atty RCT

RECEIVED BY THE UNITED STATES PATENT & TRADEMARK OFFICE

Org     , CIP     , Div     , Con     , Prov     , PCT Nat'l X, CPA     

Application of: Briner et al.

Titled: Aminoalkylbenzofurans: Serotonin Agonists

Consisting of Fee Transmittal, Utility Patent Transmittal and:

Claims, Abstract, Specification (      pages), Drawings (      sheets)

Declaration and Power of Attorney     

National Phase Declaration     

Preliminary Amendment X

Stnt 821     ; Diskette     

Recordation/Assignment     

IDS/1449     

Miscellaneous Papers:

JCO5 Rec'd PCT/PTO 26 JUL 2001

09/890311